

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5229 OF 2004

State Bank of India ... Petitioner

V/s.

Smt.Rajashree S. Nakhate ... Respondent

Mr.H.Bhave with Ms.Manisha Pant i/b Bhave & Co. for
Petitioner

Mrs.Meena H. Doshi for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 10, 2004**

P.C.:

. The order of the Labour Court which is challenged herein has been passed under section 33-C(2) of the Industrial Disputes Act. The Petitioner-bank had deducted an amount of Rs.4,000/- from the respondent-workman's account claiming that she was responsible for shortage of Rs.100 currency notes which she had certified. The Labour Court has held that there is no reason why the bank did not give any opportunity to the respondent-workman before deducting this amount from her account. The Labour Court has also found that the bank had sought to recover an amount of Rs.2,000/- and Rs.4,000/- from her account on 25.11.1998 and 25.6.1999. These amounts which were deducted were paid back to the respondent. The bank then on a third

occasion sought to deduct an amount of Rs.4000/- . The Labour Court has found that deductions made from the respondent's account without assigning any reason or holding any enquiry cannot be countenanced.

2. The Labour Court, in my view, has rightly allowed the application of the Respondent-workman. I see no reason to differ from the findings of the Labour Court. Petition rejected.

3. Parties be provided an authenticated copy of this order.